

REMARKS

The present application has been reviewed in light of the Office Action dated May 1, 2008. Claims 12-24 are presented for examination, of which Claims 12, 16, 19, 20, 22, and 24 are in independent form. Favorable reconsideration is requested.

The Office Action states that Claims 12-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,031,818 (Lo et al.) in view of U.S. Patent No. 6,222,841 (Taniguchi). Applicants respectfully traverse these rejections and submit that independent Claims 12, 16, 19, 20, 22, and 24, together with the claims dependent therefrom, are patentable distinct from the cited references for at least the following reasons.

Among other notable features of Claim 12 are: (1) an input unit for inputting a data stream having hierarchically-encoded data via a network; (2) an interrupted-stream storage unit for storing an interrupted stream generated by interrupting the data stream; (3) an interrupt information storage unit for storing interrupt information associated with the interrupted stream; and (4) an output unit for outputting the interrupted stream stored in said interrupted-stream storage unit, in response to a request for outputting the data stream, wherein the interrupt information is at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of the data stream. By virtue of the structure recited in Claim 12, efficient communication of hierarchically-encoded data, such as by the JPEG 2000 standard, can be attained.

Lo et al. relates to an error correction system for correcting errors in the transmission of packets of data. The Office Action alleges that Lo et al. teaches all the features of Claim 12, except that Lo et al. “does not explicitly teach the claimed limitation of

hierarchically-encoded data.” The Office Action then alleges that Taniguchi teaches such a limitation.

Taniguchi relates to a data transmission system for transmitting an encoded stream via a network. Taniguchi discusses a stream coding unit that generates an encoded stream that is packetized in units of abandonable data. The stream coding unit adds a header including a packet identifier also serving as packet priority information to each packet. A stream shaping processing unit determines whether each packet in the encoded stream generated by the stream coding unit should be transmitted or abandoned based on the packet identifier included in the header of each packet in accordance with a bit rate designated by a user.

Assuming, for argument’s sake that, as alleged in the Office Action, Taniguchi discloses “a data stream having hierarchically-encoded data,” nonetheless, Applicants have found nothing in either Lo et al. or Taniguchi that would teach or suggest (1) an interrupted-stream storage unit for storing an interrupted stream generated by interrupting the data stream; (2) an interrupt information storage unit for storing interrupt information associated with the interrupted stream, wherein the interrupt information is at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of said data stream; and (3) an output unit for outputting the interrupted stream stored in the interrupted-stream storage unit, in response to a request for outputting the data stream.

Accordingly, Applicants submit that Claim 12 is patentable over the cited references and therefore respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

The Office Action continues to broadly cite Lo et al., at either column 3, line

26, to column 4, line 23, or at column 4, line 24, to column 5, line 47, as disclosing each of the features enumerated above. Applicants cannot locate these features in the portions of Lo et al. cited in the Office Action, and therefore it is respectfully submitted that a prima facie case of unpatentability has not been established for the claims of the present application.

If the Examiner intends to issue a further Office Action rejecting the claims, Applicants respectfully request the Examiner to specifically point out where in the cited portions of Lo et al. (or anywhere in Lo et al.) each of these features is found, with special attention to the underlined portions shown above.

Independent Claims 16, 19, 20, 22, and 24 include features similar to those discussed above in connection with Claim 12. Therefore, Claims 16, 19, 20, 22, and 24 are believed to be patentable for at least the reasons discussed above. Additionally, the other claims in the present application depend from one or another of the independent claims discussed above and therefore are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Response After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Response, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing remarks, Applicants respectfully request favorable

reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Response After Final Action. If, however, such a petition is required to make this Response timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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